



## **Texas Department of Insurance**

### **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

518-804-4000 telephone • 512-804-4811 fax • [www.tdi.texas.gov](http://www.tdi.texas.gov)

## **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

### **GENERAL INFORMATION**

#### **Requestor Name and Address**

J T DILGER JR MD  
6718 MONTAY BAY DRIVE  
SPRING TX 77389

#### **Respondent Name**

INDEMNITY INSURANCE CO OF NORTH  
AMERICA

#### **Carrier's Austin Representative Box**

Box Number 15

#### **MFDR Tracking Number**

M4-11-3144-01

### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "Designated Doctor Exam filed 5/20/10...DDE"

**Requestor's Additional Position Summary dated February 2, 2012:** "...Gallagher Bassett paid \$650.00 on 6/13/11 without interest [sic]."

**Amount in Dispute:** \$650.00 + interest for 370 days

### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "The bill has been submitted for processing, pending payment. Advised provider."

**Response Submitted by:** Gallagher Bassett, 16414 San Pedro Ave., Suite 950, San Antonio, TX 78232

### **SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
May 17, 2010	99456-WP-W5	\$650.00 + interest for 370 days	\$21.98

### **FINDINGS AND DECISION**

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

## **Background**

1. 28 Texas Administrative Code §134.130 sets out the procedures for Interest for Late Payment on Medical Bills and Refunds.
2. 28 Texas Administrative Code §133.240 sets out procedures for medical payment and denials
3. Texas Labor Code §413.019 sets out procedures for Interest Earned for Delayed Payment, Refund, or Overpayment regarding medical services and fees.
4. Texas Labor Code §401.023 sets out procedures for computation of Interest or Discount Rate.
5. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
6. 28 Texas Administrative Code §134.204 sets out the fee guidelines for the reimbursement of workers' compensation specific codes, services and programs provided on or after March 1, 2008.
7. Copies of the explanation of benefits were not submitted by either party. The disputed services will therefore be reviewed per the applicable Division rules and fee guidelines.

## **Issues**

1. What is the Maximum Allowable Reimbursement (MAR) for CPT Code 99456-WP-W5?
2. What is the interest due per 28 Texas Administrative Code §134.130?
3. Is the requestor entitled to additional reimbursement?

## **Findings**

1. The requestor billed the amount of \$650.00 for CPT code 99456-WP-W5 with 1 (one) unit in Box 24G of the CMS-1500 for a Designated Doctor Examination for Maximum Medical Improvement/Impairment Rating (MMI/IR). Review of the documentation supports that the doctor assigned MMI. Per 28 Texas Administrative Code §134.204(j)(3)(C), the Maximum Allowable Reimbursement (MAR) for MMI is \$350.00. The requestor submitted documentation to support the Impairment Rating was performed per AMA Guides to the Evaluation of Permanent Impairment, 4<sup>th</sup> Edition for the right ankle, right foot (lower extremity) is per 28 Texas Administrative Code §134.204(j)(4)(C)(ii)(II)(a) with the Range of Motion (ROM) IR method and the Maximum Allowable Reimbursement (MAR) for the Impairment Rating is \$300.00. The combined MMI/IR MAR is \$650.00. Documentation received from the requestor via email on February 2, 2012 indicates that the insurance carrier paid \$650.00 on June 13, 2011; therefore no additional amount is due for 99456-WP-W5.
2. The requestor alleges that interest is due for the service in dispute. Pursuant to 28 Texas Administrative Code §134.130(a) "Insurance carriers shall pay interest on medical bills paid on or after the 60<sup>th</sup> day after the insurance carrier originally received the complete medical bill, in accordance with §133.240 of this title (relating to Medical Payment and Denials). Additionally, 28 Texas Administrative Code §134.130(c) states, "The rate of interest to be paid shall be the rate calculated in accordance with Labor code §401.023 and in effect on the date the payment was made." On April 20, 2012, the division contacted the carrier via memorandum to request information/documentation to establish the date that the carrier received a complete medical bill for the service in dispute. The carrier did not respond to the Division's request for information/documentation to establish the date that the carrier received a complete medical bill for the service in dispute in this case. The provider's documentation supports that the requestor in this fee dispute first submitted the medical bill on May 20, 2010 to fax number 12104039621. The documentation supports that May 20, 2010 is the common date and common fax number among the parties for which receipt of the bill can be established. Therefore, the division concludes that the date the carrier originally received the complete medical bill is May 20, 2010.
3. The respondent reimbursed the requestor the amount of \$0.00 for interest due. In accordance with 28 Texas Administrative Code §134.130, the appropriate amount due for interest is \$21.98. Therefore an additional amount of \$21.98 is recommended for payment.

## **Conclusion**

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$21.98.

## **ORDER**

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby **ORDERS** the respondent to remit to the requestor the amount of \$21.98 per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

### **Authorized Signature**

_____	_____	_____
Signature	Medical Fee Dispute Resolution Officer	May 21, 2012 Date

### ***YOUR RIGHT TO REQUEST AN APPEAL***

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party**.

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**